

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GAETANO DEVELOPMENT CORP., GATEWAY :
IV, LLC, and HARTFORD FIRE INSURANCE :
COMPANY a/s/o Gateway IV, LLC, : Case No. 09-CV-10090
Plaintiffs, : (Consolidated)
:
-against-
:
GOODMAN MANUFACTURING COMPANY, L.P., :
GOODMAN COMPANY, L.P. and GOODMAN :
GLOBAL, INC., :
Defendants. :
----- x
GOODMAN COMPANY, L.P., :
:
Third-Party Plaintiff, :
:
-against-
:
TOWER MANUFACTURING CORPORATION, :
:
Third-Party Defendant. :
----- x
TOWER MANUFACTURING CORPORATION, :
:
Second Third-Party Plaintiff, :
:
-against-
:
EVEREX COMMUNICATIONS, INC., PRIME :
TECHNOLOGY (GUANGZHOU), INC., :
CONNECTICUT PTAC SERVICES, LLC, and :
COOL TECH HVAC SERVICE, LLC :
:
Second Third-Party Defendants. :
----- x

DECLARATION OF SCOTT HAWORTH IN OPPOSITION TO EVEREX AND PRIME'S MOTIONS FOR SUMMARY JUDGMENT

Scott L. Haworth declares, pursuant to the provisions of 28 U.S.C. § 1746, as follows:

1. I am a Partner at Haworth Coleman & Gerstman, LLC, attorneys for third-party defendant/second third-party plaintiff, Tower Manufacturing Corporation ("Tower") in the above action. As such, I am fully familiar with the facts and circumstances in this matter.

2. This declaration is submitted in opposition to the motions for summary judgment filed by second third-party defendants, Everex Communications, Inc. and Prime Technology (Guangzhou), Inc., seeking dismissal of Tower's Second Third-Party Complaint.

3. Tower incorporates in this Declaration all exhibits attached to its motion for summary judgment against Goodman. In addition, attached hereto are true and correct copies of the following documents:

- Exhibit A: Affidavit and Report of Andrew J. Neuhalfen, Ph.D., P.E.
- Exhibit B: Deposition of Vincent Chan of Everex
- Exhibit C: Underwriters Laboratories Report on M61 Circuit Board

I declare under penalty of perjury, under the laws of the United States of America, that the foregoing is true and correct.

Dated: New York, New York
February 28, 2011



SCOTT HAWORTH (SH-5890)
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CERTIFICATE OF SERVICE

I, Scott L. Haworth, hereby certify and affirm that a true and correct copy of the attached **DECLARATION OF SCOTT HAWORTH IN IN OPPOSITION TO EVEREX AND PRIME'S MOTIONS FOR SUMMARY JUDGMENT** was served via ECF on February 28, 2011, upon the following:

Dennis Perlberg, Esq.
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Everex Communications, Inc.
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Dated: New York, New York
February 28, 2011



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